Applicant : Nafea Bishara   Attorney's Docket No.: 13361-051001 / MP0274
Serial No. : 10/649,187
Filed   : August 26, 2003
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REMARKS

Claims 1, 16, and 31 have been amended. No new matter has been added. Claims 1-45 remain pending in the application. Applicant respectfully requests reconsideration in view of the foregoing amendments and these remarks.

I. Interview

Applicant wishes to thank the Examiner for an in person interview that was conducted with Applicant's representative and the Examiner on July 10, 2006. During the interview the Milway reference was discussed with reference to claim 1. Agreement was reached that the Milway reference shows shifting of data to achieve alignment rather than Applicant's claimed appending of a dummy portion.

II. Examiner Requests

In the official action, the Examiner has requested information regarding a number of items. As a preliminary matter, the Examiner noted that as of the time of the action no prior art had been submitted by the Applicant. The Examiner requested that Applicant provide any documentation known to qualify as prior art under 35 USC 102 or 103. Applicant's representative has made a request for prior art, and no prior art has been found. No search was conducted in fulfilling Applicant's obligations under 37 CFR 1.56.

As a second matter, the Examiner has requested support for structure, material or acts set forth in the specification that would be capable of carrying out the function recited in the means plus functions claims 31-45.

Applicant believes that the specification provides explicit structural support for each and every function set forth in the noted claims. For example, support for the means for receiving frames lies at least in the transceiver 210 discussed at page 4, para 13; and support for the means for appending and the means for receiving includes at least the alignment module 260 discussed at page 6, para 18.

III. 35 USC 102(e) Rejection

Claims 1-45 stand rejected under 35 USC 102(e) as being anticipated by Milway (United States Patent Publication Number 2005/0132244, hereinafter referred to as "Milway") Applicant respectfully traverses the rejection.

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a. Claim 1 and its dependent claims

Claim 1 is directed to an apparatus that includes a network interface operative to receive frames, an alignment module operative to append a dummy portion to a header of the frame, a memory including a plurality of memory regions and a processor operative to receive the frame with the dummy portion from the alignment module and store said frame in the memory. The dummy portion is operable to align the header and payload portion in the memory such that the first bit of the payload is aligned on a boundary between adjacent memory regions.

Milway is directed to a system that includes a byte alignment register that allows for the shifting of data so as to properly align data that is being written to memory (and subsequently written out of memory). Milway corrects for alignment errors that exist in the received data. (See examples shown in Fig. 1 and table in proximity to paragraph 33). Milway corrects for the errors using the byte alignment register and a series of shifting operations. More specifically, data is shifted into and out of the byte alignment register to correct for misalignment (Fig. 2 and page 1, paragraph 27). Shifting of the data bits in the register results in data out of the register that is appropriately aligned. Applicant respectfully asserts, and as agreed by the Examiner in the discussions of the interview, this is fundamentally different from Applicant's claimed appending of a dummy portion to a data header.

As an initial matter, Applicant respectfully asserts that Applicant's claimed apparatus is not attempting to correct errors in the received data, rather to correct for misalignment that would arise as a result of the particular memory structure into which Applicant's claimed data frames are to be written. As claimed, Applicant's apparatus appends a dummy portion to a data header and subsequently writes a frame that includes the dummy portion into a memory. The placement of the dummy portion effectuates alignment once written in memory. Applicant notes that Milway does discuss alignments bits and adding alignment bits to positions in the alignment register. However, this is not the same as Applicant's claimed appended dummy portion. Applicant's claimed dummy portion is appended to a data header. Applicant's claimed processor is operative to receive the frame with the dummy portion and store the frame (including the dummy portion) in memory. Milway's alignment bits are used to shift received data, are not output by Milway's alignment register and are not part of a frame that is stored in memory as claimed. For at least these reasons, claim 1 is allowable over Milway.

Claims 2-15 depend from claim 1 and are allowable for at least the same reasons set forth above with respect to claim 1. In addition, claims 3 and 7-12 are also separately allowable for at least the following additional reasons.

Claim 3 requires that dummy portion be suffixed to the data header. Applicant respectfully asserts that Milway does not teach or suggest suffixing a dummy portion to a data header.

Claim 7 requires that the header includes n bits and the memory regions include m bits, wherein the ratio n/m has a non-zero remainder p. Applicant respectfully asserts that Milway is silent as to any relationship of header data to memory regions.

Claim 8 requires the dummy portion to include p bits. Applicant respectfully asserts that Milway does not teach or suggest appending a dummy portion and more particularly, a dummy portion of the specified size.

Claim 9 requires that n is 112. Claim 10 requires that m is 32. Claim 11 requires that p is 16. Applicant respectfully asserts that Milway does not teach or suggest appending a dummy portion and more particularly, a dummy portion of the specified size with relation to a specified memory or specified header.

Claim 12 requires that the dummy portion consists of x bits, where $x = m*c + p$ and c is an integer. Applicant respectfully asserts that Milway does not teach or suggest appending a dummy portion and more particularly, a dummy portion of the specified size.

b. Claim 16 and its dependent claims

Claim 16 is directed to a method that comprises receiving a frame including a header and a payload, appending a dummy portion to the header and storing the frame with the dummy portion in a memory with a plurality of memory regions. The dummy portion is operable to align the header and payload in the memory such that the first bit of the payload is aligned on a boundary between adjacent memory regions.

Claim 16 is allowable for at least the same reasons set forth above with respect to claim 1.

Claims 17-30 depend from claim 16 and are allowable for at least the same reasons set forth above with respect to claim 16.

Further, claims 18 and 22-27 are separately allowable for the reasons set forth above with respect to claims 3 and 8-12, respectively.

c. Claim 31 and its dependent claims

Claim 31 is directed to an apparatus and includes means for receiving frames, means for appending a dummy portion to the header, a memory including a plurality of memory regions and means for receiving the frame with the dummy portion and storing said frame in the memory. The dummy portion operable to align the header and payload portion in the memory such that the first bit of the payload is aligned on a boundary between adjacent memory regions.

Claim 31 is allowable for at least the same reasons set forth above with respect to claim 1.

Claims 32-45 depend from claim 31 and are allowable for at least the same reasons set forth above with respect to claim 31.

Further, claims 33 and 37-42 are separately allowable for the reasons set forth above with respect to claims 3 and 8-12, respectively.

Applicant respectfully requests a three-month extension of time up to and including September 16, 2006.

Enclosed is a credit card authorization for excess claim fees and for the Petition for Extension of Time fee for responding to the outstanding action up and until September 16, 2006. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date:_____9/18/06_____

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